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**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA**

CHRIS GUERRA, an individual, on behalf of  
himself, the general public, and those  
similarly situated,

Plaintiff,

v.

KIND LLC,

Defendant.

Case No.: 3:22-cv-06654-RS

**STIPULATION AND ORDER:**

**1. EXTENDING TIME TO RESPOND  
TO COMPLAINT; AND**

**2. SETTING BRIEFING SCHEDULE ON  
ANTICIPATED MOTION TO DISMISS**

*[Declaration of Keri E. Borders and  
[Proposed] Order filed concurrently  
herewith]*

Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, plaintiff Chris Guerra (“plaintiff”) and defendant KIND LLC (“KIND”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on October 28, 2022, plaintiff filed a complaint in this action (Dkt. No. 1);

WHEREAS, on December 5, 2022, plaintiff served the complaint on KIND;

WHEREAS, KIND’s response to the complaint is currently due on or before December 27, 2022;

WHEREAS, KIND has requested, and plaintiff has agreed to, a thirty day extension of KIND’s deadline to answer or otherwise respond to the complaint, such that KIND’s response is due on or before January 26, 2023;

WHEREAS, in response to the complaint, KIND currently anticipates filing a motion to dismiss;

WHEREAS, as described in more detail in the accompanying declaration of Keri E. Borders, the parties have agreed upon a briefing schedule for that anticipated motion to dismiss that will accommodate the parties’ respective schedules and permit the parties to prepare briefing that is most helpful to the Court;

WHEREAS, an extension of KIND’s time to file a response and the briefing schedule set forth herein will not alter the date of any event or any deadline already fixed by Court order, nor will any party be prejudiced or this litigation unreasonably delayed;

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, that:

1. KIND’s deadline to answer or otherwise respond to the complaint will be January 26, 2023; and

2. Subject to the Court’s approval, if KIND files a motion to dismiss in response to the complaint, plaintiff’s opposition to that motion will be due on March 3, 2023; KIND’s reply in support of that motion will be due on March 24, 2023; and the hearing on defendant’s motion to dismiss will be on April 13, 2023.

1  
2 Dated: December 14, 2022

KING & SPALDING LLP  
Dale J. Giali  
Keri E. Borders  
Rebecca B. Johns

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4  
5 By: /s/ Keri E. Borders  
Keri E. Borders  
6 Attorneys for Defendant  
7 KIND LLC

8 Dated: December 14, 2022

GUTRIDE SAFIER LLP  
Seth A. Safier  
Hayley Reynolds

9  
10 By: /s/ Hayley Reynolds  
Hayley Reynolds  
11 Attorneys for Plaintiff  
12 CHRIS GUERRA  
13  
14  
15

16 **ATTESTATION**

17 I, Keri E. Borders, hereby attest, pursuant to Civil Local Rule 5-1(i)(3), that concurrence  
18 in the filing of this document has been obtained from each signatory.

19 By: /s/ Keri E. Borders  
20 Keri E. Borders  
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**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED** that:

1. KIND will have until January 26, 2023 to answer or otherwise respond to plaintiff's complaint; and

2. If KIND files a motion to dismiss in response to the complaint, plaintiff's opposition to that motion will be due on March 3, 2023; KIND's reply in support of that motion will be due on March 24, 2023; and the hearing on defendant's motion to dismiss will be on April 13, 2023.

Dated: 12/14/2022

  
HONORABLE RICHARD SEEBORG  
United States District Judge